

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE APPLICATION OF NEW EDGE
NETWORK, INC. D/B/A NEW EDGE NETWORKS FOR A
CERTIFICATE OF AUTHORITY TO PROVIDE
TELECOMMUNICATIONS SERVICES, INCLUDING
LOCAL EXCHANGE SERVICES, IN SOUTH DAKOTA**

**) ORDER GRANTING CERTIFICATE
) OF AUTHORITY
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) TC99-100
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On September 30, 1999, the Public Utilities Commission (Commission) received an application for a certificate of authority from New Edge Network, Inc. d/b/a New Edge Networks (New Edge).

New Edge seeks authority to provide resold and facilities-based competitive local exchange and interexchange services. A proposed tariff was filed by New Edge.

On October 7, 1999, the Commission electronically transmitted notice of the filing and the intervention deadline of October 22, 1999, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled November 29, 1999, meeting, the Commission considered New Edge's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to rural safeguards and a continuous \$25,000 surety bond. Commission Staff further recommended a waiver of ARSD 20:10:32:03(8).

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and 49-31-69 and ARSD 20:10:24:02, 20:10:24:03 and 20:10:32:03. The Commission finds that New Edge has met the legal requirements established for the granting of a certificate of authority. New Edge has, in accordance with SDCL 49-31-3 and 49-31-71, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. Further, the Commission finds that there is good cause to waive subparagraph (8) of ARSD 20:10:32:03.

The Commission approves New Edge's application for a certificate of authority, subject to rural safeguards and a continuous \$25,000 surety bond. The certificate of authority for New Edge shall authorize it to offer local exchange services in South Dakota, except in those areas served by a rural telephone company. In the future, should New Edge choose to provide local exchange services statewide, with respect to rural telephone companies, New Edge will have to come before the Commission in another proceeding before being able to provide local service in that rural service area pursuant to 47 U.S.C. ' 253(f) which allows the Commission to require a company that seeks to provide service in a rural service area to meet the requirements in 47 U.S.C. ' 214(e)(1) for designation as an eligible telecommunications carrier. In addition, the granting of statewide certification will not affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. ' 251(f). It is therefore

ORDERED, that New Edge's application for a certificate of authority to provide telecommunications services, including local exchange services, is granted, subject to a continuous \$25,000 surety bond; and it is

FURTHER ORDERED, that New Edge shall file informational copies of tariff changes with the Commission as the changes occur; and it is

FURTHER ORDERED, that the Commission shall authorize New Edge to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company; and it is

FURTHER ORDERED, that the Commission finds good cause to waive subparagraph (8) of ARSD 20:10:32:03.

Dated at Pierre, South Dakota, this 8th day of December, 1999.

CERTIFICATE OF SERVICE

BY ORDER OF THE COMMISSION:

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: _____

Date: _____

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER, Commissioner

(OFFICIAL SEAL)